

COMMISSIONER FOR PATENTS  
Alexandria, VA 22313-1450



Docket No.: 5006.1001CON  
Date: September 24, 2004

In re application of: 10/822,074  
Serial No.: Birgit NEUDECKER et al.  
Filed: 04/09/2004 as Continuation of U.S. Ser. No. 10/030,842  
For: METHOD AND PREPARATION CONTAINING IDEBENONE FOR PROTECTING HUMAN SKIN

Sir:

Transmitted herewith is an **Information Disclosure Statement (2 pages) with PTO-1449 (1 page), and cited references** in the above-identified application.

- ☐ Small entity status under 37 C.F.R. 1.9 and 1.27 has been previously established.  
☐ Applicants assert small entity status under 37 C.F.R. 1.9 and 1.27.  
☒ No fee for additional claims is required.  
☐ A filing fee for additional claims calculated as shown below, is required:

(Col. 1)		(Col. 2)		SMALL ENTITY		OR	LARGE ENTITY	
FOR:	REMAINING	HIGHEST	PRESENT	RATE	FEE		RATE	FEE
	AFTER	PREVIOUSLY						
	AMENDMENT	PAID FOR	EXTRA					
TOTAL CLAIMS	* Minus 20	=	0	x \$ 9	\$		x \$ 18	\$
INDEP. CLAIMS	* Minus 3	=	0	x \$ 43	\$		x \$ 86	\$
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				+ \$145	\$		+ \$290	\$
TOTAL: \$				OR		TOTAL: \$		

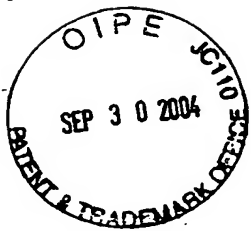
- \* If the entry in Co. 1 is less than the entry in Col. 2, write "0" in Col. 3.  
\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.  
\*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

- ☐ Also transmitted herewith are:  
☐ Petition for extension under 37 C.F.R. 1.136  
☐ Other:
- ☐ Check(s) in the amount of \$ is/are attached to cover:  
☐ Filing fee for additional claims under 37 C.F.R. 1.16  
☐ Petition fee for extension under 37 C.F.R. 1.136  
☐ Other:
- ☐ The Assistant Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0552.
- ☒ Any filing fee under 37 C.F.R. 1.16 for the presentation of additional claims which are not paid by check submitted herewith.
- ☒ Any patent application processing fees under 37 C.F.R. 1.17.
- ☒ Any petition fees for extension under 37 C.F.R. 1.136 which are not paid by check submitted herewith, and it is hereby requested that this be a petition for an automatic extension of time under 37 CFR 1.136.

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I hereby certify that the documents referred to as attached therein and/or fee are being deposited with the United States Postal Service as "first class mail" with sufficient postage in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on September 28, 2004  
DAVIDSON, DAVIDSON & KAPPEL, LLC

BY:   
Oliver Platz



5006.1001CON

**UNITED STATES PATENT AND TRADEMARK OFFICE**

Examiner: To Be Assigned	Art Unit: 1616
Re: Application of:	<b>Birgit NEUDECKER et al.</b>
Serial No.:	10/822,074
Filed:	04/09/2004 as Continuation of U.S. Serial No. 10/030,842
For:	<b>METHOD AND PREPARATION CONTAINING IDEBENONE FOR PROTECTING HUMAN SKIN</b>

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

September 24, 2004

S i r:

In accordance with the provisions of 37 C.F.R. § 1.97, Applicant hereby makes of record the documents listed on the accompanying PTO-1449 Form (1 page) for consideration by the Examiner in connection with the examination of the above-identified patent application. While the references are being submitted herewith, some or all of the references may not constitute prior art under the U.S. patent laws.

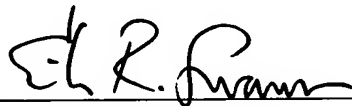
Submitted herewith is an English translation of Japanese patent document JP 11-116470, which was previously cited.

This Information Disclosure Statement is filed under 37 C.F.R. §1.97 (b), before the mailing date of a First Office Action, therefore no fee is believed due. In the event any additional fee is due in connection with this response or if any fee has been overpaid, the deficiency or overpayment should be charged to our Deposit Account No. 50-0552.

It is respectfully requested that the references cited in the accompanying PTO-1449 form be considered and made of record. It is respectfully submitted that the pending claims are patentable over all of the references made of record at this time.

Respectfully submitted,

DAVIDSON, DAVIDSON & KAPPEL, LLC

By:   
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FORM PTO-1449  
(REV. 7-80)U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

ATTY DOCKET NO.

5006.1001CON

APPLICATION NO

10/822,074

APPLICANT

Birgit NEUDECKER et al.

FILING DATE

04/09/2004

GROUP

1616

## LIST OF PRIOR ART CITED BY APPLICANT

(Use several sheets if necessary)

## U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIATE
	A01						
	A02						
	A03						
	A04						
	A05						
	A06						
	A07						
	A08						
	A09						

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION	
							YES	NO
	A10							
	A11							
	A12							
	A13							
	A14							
	A15							
	A16							
	A17							

## OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

A18	Wieland, Eberhard et al., "Idebenone protects hepatic microsomes against oxygen radical-mediated damage in organ preservation solutions", XP-002283957, Database Caplus 'Online', 9 June 2004, page 1
A19	
A20	
A21	

EXAMINER

DATE CONSIDERED

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.